Supreme Court, U.S.
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No. 94 - 1960

In the

# Supreme Court of the United States

October Term,1995

**Sandra Freeman and Eugene Freeman**
Petitioners

v.

**DR.LENARD R. SIMON MD and BETH ISRAEL HOSPITAL**
Respondent

On Petition For The Rehearing Of An Order Denying A Petition For A Writ Of Cetiorari

## PETITIONERS'S BRIEF

Sandra Freeman pro se
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(* Counsel of Record )

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**PETITIONERS' BRIEF Whether a congressionally interposed preclusion to the exercise of constitutional rights may withdraw the protection of the First and Fourteenth Amendments to the Constitution within the zone of intrafamilial privacy of these Petitioners' claim of higher source of Law, than Act of Congress, despite to the fact that sovereignty of the people of the United States predates the sovereignty of Congress.**

This is a Petition for the rehearing of an order denying a petition for a writ of a Certiorari. The Order was issued by this Court on October 2 of 1995. The Petition timely was filed with this Court within the terms of the Supreme Court Rules.

The Petitioner Sandra Freeman and petitioner Eugene Freeman still seek relief in order to protect and to vindicate their own interest . The petitioners do allege such a personal stake in the outcome of the controversy so as to assure that concrete adverseness, which sharpens the presentation of issue on upon the Court so largely dependent for illumination difficult constitutional question. The claim and pleadings defines Massachusetts' law statutes, which constitutes arbitrary and capricious state' deprivations under the named laws. Those deprivations, in substance, offensive to the First and Fourteenth Amendments to the Constitution. The Petitioners' notice complaint in the District Court presents a concrete case, admitting of an immediate and definitive determination of the Petitioners' legal rights. The claim is based on

an expressed and proved up event of a brutal invasion into Petitioners' constitutional rights by Respondents. The injury, which Petitioners assert is one which has been judicially recognized as a right, secured by the Constitution. The controversy, presented by Petitioners means the kind of cases the Court traditionally resolve: Article III, Section 2 of United States Constitution. Because of a justifiable cause of action the Petitioners would be entitled to appropriate relief to compensate the wrong was done. The Petitioners raised the issue of the fundamental Substantive Due Process, the Fifth and Fourteenth Amendments which gives standing to challenge the state statute.

This case presents no "political question", at all, even if the Petitioners still seek protection of their own rights: "...the right to relief under equal protection clause is not diminished by the fact that the discrimination relates to political rights.' *(Baker* v. *Carr*,369 U.S. 186,208-210, 82 S.Ct. 691,705-706,7 L.Ed.2d. 663) This Honorable Court has the power to effectuate a remedy as the matter of disregarded established constitutional rights. The Petitioners desperately need resolution in their legal civil and human rights dispute, disclosing the violations by a state law against the Constitution. The appropriate resolution of this controversy would have provide the Petitioners with compensation for constitutional damages they sustained and still suffer. Only this Honorable Court has the power to adjudicate the resolution of this dispute, ensuring the uniform interpretation of federal law.

The Petitioners argue that the judicial orders of both inferior Courts should have fully retroactive effects as to errors, that " are so fundamental that they infect the validity of the underlying judgment itself, or the integrity of the process by which that judgment was obtained"( *Rose v. Lundy,* 455 U.S. 509, 543, 544,n.8 (1982). The Petitioners' civil rights are not for sale, bargain or piecemeal substitution. If the Court denies the Petitioners' rights to establish the justice, then its denies recovery for all damages of blood, pain, fear of the death, humiliation,

both Petitioners, terminated offspring, mental and physical distress, incapacity in the sexual sphere of both Petitioners and all of the disastrous effects upon the Petitioners' family. Thus, denial of adjudication by this Court would uphold the conspiracy: to authorize the servitude, the conspiracy to deprive of liberty. These are acts which are repugnant to the Constitution. It is said that the judicial review of agency determinations of questions of law is to be constitutionally required:" The supremacy of law demands that there shall be an opportunity to have some court decide whether an erroneous rule of law was applied..."*(St. Joseph Stock Yards Co. v. United States,* 298 U.S. 38,84 (1936) (Brandies,J., concuring). It has been the usual limitations of the Bill of Rights and of Article I, Section 9, to apply that external constitutional limitations imposed by due process, on legislation restricting access to the federal courts because of laws designed to hinder the exercise of constitutional right. Therefore, to that degree, they are subject to this Court questioning of its contituonality. Likewise, even those jurisdictional statute unintentional burdens the exercise of such rights warrants strict scrutiny: (*Shapiro* v. *Thompson*(1969) ;( *United States v. Jackson(*1968). The Petitioners argue that their claim disclosing the kind of damages that are not less important than the damages to the protected speech in the sense of suppression or prosecution. The Supreme Court determined that the no forum except a Court can be permitted to impose a valid final restraint on expressional activities, and that this allocation of an authority is demanded by the First Amendment; ( *Freedman v. Maryland,*380 U.S. 51,58(1963*); Lo - Ji Sales, Inc. v. New York*, 442 U.S. 319, 325,326(1979). The objection is to any system which allow administrative determination either directly or indirectly to determine finally the scope of application of First Amendment privileges. The Petitioners argue that the right to the protected speech are not less important than the rights pertaining to the bodily integrity, right to the privacy, right and liberty of choice to reject unconsented treatment, considering the nature of injury sustained by Petitioner Sandra Freeman.

The liberty against deprivation without due process of Fourteenth Amendment, which protects the rights found in the Bill of Rights is not less important than the protected right to speech. Congressional activity, penalizing a separately secured Petitioners' constitutional rights, withdraws the protection of federal right within the zone of intrafamilial privacy: Judicial review will not cut unless there is persuasive reason to believe that such was the purpose of Congress. ( *Abbott Laboratories* v. *Gardner*, 387 U.S. 136,140,141(1967) This preclusion denies to Petitioners opportunity to litigate their claim arose under the Constitution. The Petitioner argue that the sovereignty of the people of the United States, predates the sovereignty of the Congress and expressed as a source of sovereignty in constitutional claim that entitle said Petitioners to the equal access to the Court. This preclusion is expressed as a congressional discrimination against the claim of higher source of law, than Act of Congress. The state's law and regulations that authorized the conspiracy to deprive of constitutional rights and liberty are the subject to this Honorable Court questioning under Rules of this Court.

**CONCLUSION**

For the forgoing reasons these Petitioners, Sandra Freeman and Eugene Freeman cries out for reconsideration by this Honorable Court to grant the petition for a writ of Certiorari.

Respectfully submitted to this Honorable Court by Petitioners pro se Sandra Freeman and Eugene Freeman*,

94 Corey Road,#32, Brookline MA 02146,
phone-617-734-7111. ( Counsel of Record* )

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Sandra Freeman and Eugene Freeman
Petitioners
v.
Dr.Lenard Simon R, MD and BETH ISRAEL HOSPITAL
Respondents

Mr. William K. Suter, Esq.
Clerk of the Court
Supreme Court of the United States,
Office of the Clerk
Washington DC 20543

PETITIONERS' CERTIFICATE

Pursuant to Supreme Court Rule 44.2,the Petitioners caused this Certificate and sertify,that :

We, Sandra Freeman and Eugene Freeman pro se, filed this Petition for the Rehearing which is limited to substantial grounds not previosly presented.

Sandra Freeman and Eugene Freeman, Petitioners, hereby sertify that this Petition is presented in good faith and not for delay in order to comply with this Court Rules

Signed under the paines and penalties of the perjury

Dated : 10.24.95

Sandra Freeman

Sandra Freeman

Eugene Freeman*
(Counsel of Record*)

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